THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35268 of 1997

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in awarding punishment of 'censure' to the petitioner through proceedings dated 10.11.1997 as arbitrary, illegal and contrary to the rules and regulations of Food Corporation of India governing the staff and consequently direct the respondents to release the full salary for the period of suspension i.e. 7.4.1997 to 12.8.1997 to the petitioner.

It appears, petitioner was working as Head Watchman in the respondent Corporation. While so, he was suspended from service with effect from 7.4.1997 pending enquiry into certain allegations made against him. However, with effect from 12.8.1997 the suspension was revoked and punishment of censure was imposed through proceedings dated 10.11.1997. It is the contention of the petitioner that he never indulged into any act of misconduct as alleged by the respondents, therefore, imposing punishment of censure is unwarranted and the same is liable to be set aside. Further, the salary for the period he was kept under suspension i.e. from 7.4.1997 to 12.8.1997 was not paid on the ground that still the matter is under examination of Vigilance Commission.

No counter is filed by the respondents.

Under Regulation 54 of the Food Corporation of India Service Regulations, punishment of censure is a minor punishment, which can be imposed by calling explanation of the delinquent employee. In this case, the explanation was called for and the petitioner submitted his explanation and after going through the said explanation, the punishment of censure was imposed on the petitioner. I am of the opinion that no interference can be made into such an order imposing punishment of censure, which is in the nature of a warning.

However, once the petitioner is suspended from service, he is entitled for subsistence allowance as per rules. The learned counsel for petitioner submits that petitioner was not paid subsistence allowance during the period he was kept under suspension i.e. from 7.4.1997 to 12.8.1997, therefore, he is entitled for full wages for the said period. I am in full agreement with the submission made by the learned counsel for petitioner. Once the suspension is revoked and the impugned proceedings imposing punishment of censure (warning) has been passed, the petitioner is entitled for full wages from 7.4.1997 to 12.8.1997. Therefore, the respondents are directed to pay full wages to the petitioner from 7.4.1997 to 12.8.1997 as per his eligibility, within a period of three months from the date of receipt of a copy of this order. However, if any subsistence allowance is paid during the period of suspension, the same may be given credit to.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 14.3.2007

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W.P.No.35268 of 1997

14.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35268 of 1997

Date: 14th March, 2007

Between:

S.Narasimhulu

.. Petitioner

And

The District Manager, District Office,
Food Corporation of India, Nellore
and another.

.. Respondents